

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

ESTEBAN POLONSKI, JUANA POLONSKI

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

PROPRIA PERSONA (415) 824-3479 CELL
JUANA POLONSKI, SAN FRANCISCO, CA 94110

DEFENDANTS

WASHINGTON MUTUAL BANK and
DOE DEFENDANTS 1 TO 10 INCLUSIVE

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

N/A

BZ

ADR

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

TITLE 28 USC 1983

Brief description of cause:

Fraud, Usury, Abuse of Process, Intentional Infliction of Emotional Distress, Trespassing

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐ DEMAND \$ 4,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ESTEBAN POLONSKI,
JUANA POLONSKI
POSTAL BOX 410985
SAN FRANCISCO, CA 94141

PLAINTIFF(S): In Propria Persona

E-filing

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BZ

ESTEBAN POLONSKI,
JUANA POLONSKI

Plaintiff(s)

COMPLAINT

-vs-

WASHINGTON MUTUAL BANK

AND DOES 1 TO 10 Inclusive

Defendant(s)

CV 09

0038

CASE NO:

**PLAINTIFF(S) VERIFIED
FOR DAMAGES**

1. **FRAUD**
2. **USURY**
3. **ABUSE OF PROCESS**
4. **INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**
5. **TRESSPASSING**

GENERAL ALLEGATIONS:

1. Plaintiff(s), ESTEBAN POLONSKI. and JUANA POLONSKI.,
[hereinafter, "**Plaintiff(s)**"] is currently and at all times herein mentioned, the
individuals residing in The City of San Francisco, County of San Francisco and of
The State of California.

1 2. Defendant WASHINGTON MUTUAL BANK, AND DOES 1 to 10 Inclusive,
2 Are, and at all times mentioned herein an unknown business entity doing business in
3 the City of San Francisco, County of San Francisco, State of California.

4 3. Plaintiff(s) ESTEBAN POLONSKI. and JUANA POLONSKI, are
5 Informed and believe and thereupon allege on such basis that DOES 1 TO 10,
6 INCLUSIVE are legally responsible for the acts alleged herein and are sued by such
7 fictitious names, because Plaintiff(s) have not yet been able to ascertain their true names
8 and identities. Upon ascertainment of such information, Plaintiff(s) will seek leave of
9 court to amend and serve this Complaint and any changes thereto to specifically
10 identity said **DOE DEFENDANTS 1 TO 10, INCLUSIVE** by their true names and
11 capacities.
12

13 4. Plaintiff(s) are informed and believe thereupon allege that at all times herein
14 Mentioned, **the Defendants, and all of them** and Doe Defendants 1 to 10 were the
15 agents, employee, employer, servants, representatives of each of the remaining
16 Defendants and were acting at all times mentioned herein, within the scope and course
17 of such relationship and with the knowledge, consent, and/or ratification of the other
18 Defendants and that each of the acts or omissions alleged herein were performed
19 within the scope and course of that relationship as well as within their own specific
20 individual capacities.
21

22 5. The obligation sued upon herein was incurred in and is payable in the City of
23 SAN FRANCISCO, The County of San Francisco, and in The State of California.
24
25
26
27

28 **FIRST CAUSE OF ACTION:**

{FRAUD against all Defendants and Does 1 to 10 Inclusive}

6. Plaintiff(s) hereby reference hereto and incorporate paragraphs 1 through 16, inclusive, of this Complaint by this reference, as though set forth fully herein.
7. Plaintiff(s) caused to be delivered to The Defendants, and all of them, and Doe Defendants 1 to 10 , the UCC filing and other documentation, with the knowledge and agreement that such would act as, and prove ownership of certain Real Property located in the City of San Francisco, the County of San Francisco, at:
1411 and 1421 Hudson Avenue, San Francisco, CA 94124, [hereinafter, THE PROPERTY].
8. Subsequently, the Plaintiff(s) entered into an agreement associated with THE PROPERTY and the Defendants and all of them and Doe Defendant 1 to 10, agreed to act in a manner which was to the sole benefit of the Plaintiff(s).
9. Recently, Plaintiff(s) came to find that the Defendants, and all of them, and Doe Defendants 1 to 10, failed to disclose certain facts that they were necessarily required to disclose, and went further to conceal such facts known by each of the Defendants and all of them, and Doe Defendants 1 to 10.
10. The Defendants, and all of them and Doe Defendants 1 to 10, did in fact owe a Fiduciary duty to the Plaintiff(s) and an absolute duty to disclose anything which might be relevant to fraudulent activity by any of its associates and/or employees.
11. The Defendants, and all of them and Doe Defendants 1 to 10, knew that the Plaintiff(s) were not aware of the material facts not disclosed by the Defendants, and all of them, including Doe Defendants 1 to 10 Inclusive.

12. The Defendants, and all of them including Doe Defendants 1 to 10 Inclusive, concealed such material facts within their own files and records and used their titles as Officers to intimidate, and illegally steal the property of the Plaintiff(s).
13. The Defendants, and all of them including Doe Defendants 1 to 10 Inclusive, knowingly acted with a total disregard for the truth of the material facts.
14. The Defendants and all of them knew, including Doe Defendants 1 to 10 Inclusive, that they were acting under color of Law and that the Plaintiff(s) had Remedy under actual Law and did not disclose this to the Plaintiff(s).
15. The Defendants and all of them including Doe Defendants 1 to 10 Inclusive, knew that their actions through the misrepresentation of the facts would immediately cause the Plaintiff(s) injuries, and that without the willful, intentional and fraudulent actions of the Defendants, and all of them, including Doe Defendants 1 to 10 Inclusive, the Plaintiff(s) would not have been made to suffer any injuries.
16. The Defendants, and all of them including Doe Defendants 1 to 10 Inclusive, knew that their misrepresentations would in fact become the predominant, decisive and substantial factors in obtaining the confidence and influencing the course of the conduct of the Plaintiff(s).

SECOND CAUSE OF ACTION:

{USURY against all Defendants and Does 1 to 10 Inclusive}

17. Plaintiff(s) hereby reference hereto and incorporate paragraphs 1 through 20, inclusive, of this Complaint by this reference, as though set forth fully herein.

18. The Defendants, and all of them including Doe Defendants 1 to 10 Inclusive, Refused to honor the Contract.

19. The Defendants, and all of them, including Doe Defendants 1 to 10 Inclusive, did not disclose to the Plaintiff(s) that their Promissory Note was the instrument used to secure the credit to purchase the home, and that the bank actually got paid up front on the home using the Plaintiff(s) purchasing, and then immediately sold the Promissory Note, and got paid on it again, without disclosing these facts, to the Plaintiff(s), and then charged interest on credit created by the Promissory Note, including Doe Defendants 1 to 10 Inclusive.

See Blacks Law Dictionary 6th Edition USURY

Charging an illegal rate of interest, an illegal contract for a loan or forbearance of money, goods, or things in action, by service was taken. The bank never disclosed the fact that when the plaintiff signed the promissory note, the money for the loan was created, and the bank never lent money, they lent credit.

20. The Defendants, and all of them including Doe Defendants 1 to 10 Inclusive, agreed to violate the Plaintiff(s) rights, and acting in a bullish, and threatening manner, causing irreparable harm to the Plaintiff(s).

THIRD CAUSE OF ACTION:

{ABUSE OF PROCESS against all Defendants and Does 1 to 10 Inclusive}

21. Plaintiff(s) hereby reference hereto and incorporate paragraphs 1 through 26, Inclusive, of this Complaint by this reference, as though set forth fully herein.

22. The Defendants, and all of them, including Doe Defendants 1 to 10 Inclusive,

1 while making specific use of their superior knowledge and skills in the area of **LAW**,
 2 formulated a plan of operation to create, and design documentation to present to the
 3 Plaintiff(s), all in an effort to gain the trust of the Plaintiff(s), to harm and defraud the
 4 Plaintiff(s).
 5

6 23. The Defendants, and all of them, including Doe Defendants 1 to 10 Inclusive,
 7 worked together to produce, manufacture and present to the Plaintiff(s),
 8 documentation the Defendants and all of them knew to be false, falsified, and untrue.
 9

10 24. The Defendants, and all of them including Doe Defendants 1 to 10 Inclusive,
 11 knew that the Plaintiff(s) were unaware of the falsity of the representations made to
 12 the Plaintiff(s), and that such falsification would result in harm, damage, and not only
 13 immediate pecuniary loss, but financial loss to the Plaintiff(s) as well.
 14

15 25. The Defendants, and all of them including Doe Defendants 1 to 10 Inclusive, have
 16 a ***documented history*** of the illegal and unauthorized use of their superior **LAW**,
 17 experience and skills to harm unsuspecting individuals seeking to protect themselves.
 18

19 26. The process used in this matter was not designed to be used in this capacity to
 20 fraudulently intimidate, nor injure the Plaintiff(s).
 21

22 **FOURTH CAUSE OF ACTIONS:**

23 {
 24 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS}**

25 **{Against all Defendants and Does 1 to 10 Inclusive}**

26 27. Plaintiff(s) hereby reference hereto and incorporate paragraphs 1 through 28,
 27 inclusive, of this Complaint by this reference, as though set forth fully herein.
 28

1 28. The Defendants and all of them, including Doe Defendants 1 to 10 Inclusive,
 2 intentionally, recklessly and without regard to the probability of the emotional
 3 distress their conduct would cause to The Plaintiff(s), intentionally provided false
 4 information, and even physically came onto THE PROPERTY without the expressed
 5 written permission of The Plaintiff(s). And, "BUT FOR" the unjustified malicious
 6 and callous conduct on the part of the Defendants, the Doe Defendants, and all of
 7 them, the Plaintiff(s) ESTEBAN POLONSKI. AND JUANA POLONSKI,
 8 would not have suffered damages from the continued intrusion by the Defendants and
 9 all of them.
 10
 11

12
 13 **FIFTH CAUSE OF ACTIONS:**

14 **{TRESSPASSING}**

15 **{Against all Defendants and Does 1 to 10 Inclusive}**

16
 17 29. Plaintiff(s) hereby reference hereto and incorporate paragraphs 1 through 30,
 18 Inclusive, of this Complaint by this reference, as though set forth fully herein.
 19
 20 30. The Defendants and all of them, including Doe Defendants 1 to 10 Inclusive, did
 21 knowingly and willingly **TRESSPASS** on private Land protected by a Federal Land
 22 Patent, after seeing the signs posted and the penalty for **TRESSPASSING** then
 23 knowingly and willingly accepted the contract, and **TRESSPASSED**.
 24
 25
 26
 27
 28

WHEREFORE, ESTEBAN POLONSKI. AND JUANA POLONSKI,

(The Plaintiff(s) prays for judgment against each Defendant, including Doe Defendants

1 to 10 Inclusive, in each cause of action as follows:

1.] **SPECIAL DAMAGES** in the amount of **\$2,000,000.00+**

2.] **GENERAL DAMAGES** in the amount of **\$2,000,000.00+**

3.] For all costs and fees incurred for this lawsuit

4.] For any such other or further relief as this Court deems just, fair or

Appropriate.

DATED: 01/06/09

Esteban Polonski

ESTEBAN POLONSKI.

Plaintiff(s) in Pro Per

JUANA POLONSKI

Plaintiff(s) in Pro Per

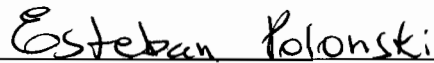
VERIFICATION/DECLARATION OF:

ESTEBAN POLONSKI. AND JUANA POLONSKI,

We, **ESTEBAN POLONSKI. AND JUANA POLONSKI**, acting In
Pro Per, hereby declare under the penalty of perjury that I/We have read this
COMPLAINT FOR DAMAGES and we further declare that under the penalty of
perjury that the statements contained herein are true and correct to the best of my/our
knowledge, except as those matters stated upon information and belief, and as to those
matters, we believe them to be true.

This verification/declaration has been executed on January 06, 2009, in the
City of San Francisco, The County of San Francisco, and in The State of California.

DATED: 01/06/09



ESTEBAN POLONSKI.

Plaintiff(s) in Pro Per



JUANA POLONSKI

Plaintiff(s) in Pro Per